IN THE UNITED STATES DISTRICT COURT

FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA

 \mathbf{V} .

: 1:06CR433-1

PEDRO FUENTES DIAZ

FACTUAL BASIS

NOW COMES the United States of America, by Anna Mills Wagoner, United States Attorney for the Middle District of North Carolina through her assistant, Douglas Cannon, and as a factual basis under Rule 11, Fed. R. Crim. P., states the following:

In April, 2006, Defendant Pedro Diaz was living with his girlfriend in Durham, North Carolina. After juvenile victim D.M., the twelve year old, 6th grade daughter of his live-in girlfriend, had an argument with her mother, victim D.M. walked out of the house. Defendant Diaz went out to find her. When Diaz found D.M., the daughter did not want to return home, and they agreed to run off together. Diaz drove his Honda Civic on I-95 north into Virginia, and this portion of the trip concluded near Norfolk, Virginia, where Diaz parked the car at a rest stop and the two engaged in coitus in the Civic.

Afterwards, they agreed to travel to Miami, and when they arrived, they again engaged in sexual intercourse in the vehicle. Next they drove back to Durham but did not return to the home of the victim. Instead, they drove north, heading to New York, where relatives of Diaz lived. On April 6, 2006, the two were pulled over in a traffic stop by New Jersey law enforcement authorities, who sensed that the relationship between victim D.M. and Diaz was suspect and, placing D.M. in their patrol vehicle, asked Diaz to follow them to their local station. Diaz drove behind the squad

car to the station, then got out of his Civic and fled. He was apprehended at a bus station in New some WLb York the next day.

During questioning, Victim D.M. reported to counselors that she had engaged in sexual activity as described above, and evidence of same was collected from her body at a local medical facility. After being advised of his rights pursuant to the Miranda decision, Diaz also made a statement, reduced to writing, acknowledging the travel and the sexual encounters. Victim D.M. reported that they were in love and that their plan on arriving in New York was for the two of them to get married and live for a while with his relatives.

Defendant Diaz was then 35.

Stipulate That The acturty described in Count
Twe violatis Honda Respectfully submitted,
Statutory Law - With ANNA MILLS WAGONER

Vouglas Cannon, NCSB # 8604 Assistant United States Attorney

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CERTIFICATE OF SERVICE

I hereby certify that on January 5, 2007, the foregoing was provided by hand-delivery to the following: Vincent Rabil, Attorney at Law.

DOUGLAS CANNON

Assistant United States Attorney